

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	2026/44/91435/W
Site Address:	Land off, Bankfield Drive, Holmbridge, Holmfirth, HD9 2PH
Description:	Discharge of conditions 26 (boundary treatments, retaining walls, and gabions) and 28 (landscaping) on previous permission 2023/91212 for erection of 21 dwellings with access from Laithe Avenue
Recommending Officer:	Ellie Thornhill

DECISION – Discharge of Condition – Approve

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Nick Hirst

AUTHORISED OFFICER

Date: 02-Oct-2026

Reference: 2026/91435

Site address: Land off, Bankfield Drive, Holmbridge, Holmfirth, HD9 2PH

Description: Discharge of conditions 26 (boundary treatments, retaining walls, and gabions) and 28 (landscaping) on previous permission 2023/91212 for erection of 21 dwellings with access from Laithe Avenue.

Overview

Conditions 26 has been previously submitted for discharge under application 2025/91731, however, officers considered the information submitted to be insufficient in order to discharge the condition.

Condition 26: Boundary treatments, retaining walls and gabions

26. Prior to the commencement of superstructure works, and notwithstanding what is shown on the drawings hereby approved, details (including sections and details of levels) of all boundary treatments, and any retaining walls and gabions, shall be submitted to and approved in writing by the Local Planning Authority. The details shall correspond with measures relating to flood routing, shall be designed to limit overlooking of neighbouring residential properties, shall be designed to prevent and deter crime and anti-social behaviour, and shall provide for the movement of hedgehogs. The development shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.

Reason: *In the interests of visual amenity, highways safety and biodiversity, to minimise flood risk, to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected, in the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policies LP21, LP24, LP27, LP30 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.*

The following documents have been submitted pursuant to condition 26:

- Boundary treatment plan (ref: 2400-02-008 rev D)
- Covering letter (ref: JM260043.DoC.26_28)

Assessment

The submitted Boundary Treatment plan identifies timber fencing to the majority of rear garden boundaries, incorporating hedgehog access holes and associated signage. For corner plots adjacent to the highway, particularly Plots 7, 13 and 19, the proposed rear boundary treatment comprises a 600mm-high stone wall, constructed in materials to match the dwellings, with a 1.2m-high hit-and-miss fence above.

Along the site perimeter, the existing dry stone walls are to be retained and repaired where necessary. To the eastern boundary, a 2m-high fence is proposed alongside hedge planting. The fence will provide an immediate means of protecting neighbouring residential amenity, in accordance with the requirements of the condition, whilst the proposed planting establishes. The submitted details indicate that the hedge will achieve its maintained height of approximately 1.8-2m within 3 to 5 years, at which point it will provide effective screening of the fence.

The submitted plan also identifies a hit-and-miss fence above an associated retaining wall adjacent to the proposed pedestrian connection on the southern boundary of the site. However, these works are also subject to Condition 12 (Pedestrian Connection), which is currently being considered under application 2026/91462. For the purposes of Condition 26, the proposed timber fencing above the retaining wall is considered acceptable. However, in this case, Condition 12 is considered to take precedent and should the design of the boundary treatment change through the assessment of that application, a further application to re-discharge Condition 26 would be required to secure approval of the revised details. A note to this effect is recommended to be included on the decision notice.

Having considered the submitted details, the proposed boundary treatments are considered acceptable in terms of flood routing, safeguarding neighbouring residential amenity, deterring crime and anti-social behaviour, and facilitating the movement of hedgehogs through the development.

However, as the condition has an ongoing requirement it cannot currently be discharged in a full. A note of the ongoing requirement is recommended to be included on the decision notice.

Condition 28: Landscaping

28. Prior to the commencement of superstructure works, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include:

- *Details of existing and proposed levels, and regrading;*
- *Planting plans, including additional tree planting notwithstanding what is shown in the drawings hereby approved;*
- *Details of tree pit sizes and soils;*
- *Species schedules;*
- *Details of initial aftercare and long-term maintenance;*
- *Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fails or becomes diseased within the first five years from completion;*
- *Details (including samples, if requested), of paving and other hard surface materials;*
- *Details of all on-site open spaces (including details of their purpose(s) and management) and of any areas for designated, informal, incidental and/or doorstep play;*

- *Details of all on-site play spaces;*
- *Details of covenants (or other suitable arrangements) regarding street tree retention, management and maintenance where these trees are not within adopted highways;*
- *Details of how soft landscaping has been designed to prevent and deter crime and anti-social behaviour; and*
- *Details of natural surveillance and windows overlooking publicly-accessible areas (including open spaces, pedestrian connections and public footpaths).*

No part or phase of the development hereby approved shall be occupied until all hard and soft landscaping for that part or phase has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.

Reason: *In the interests of local ecological value, visual amenity and highways safety, to ensure high quality open spaces are provided, to minimise flood risk, to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected, in the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policies LP21, LP24, LP27, LP30, LP32, LP33, LP47 and LP63 of the Kirklees Local Plan, and chapters 8, 12 and 15 of the National Planning Policy Framework.*

The following documents have been submitted pursuant to condition 28:

- Detailed Landscape Proposals (ref: H2 230201 1 rev H)
- Site layout (ref: 2021.01.003 rev X)
- Land registry plan (ref: Management Company Plan rev B)
- External levels (ref: 118 rev G)
- Surface finishes (ref: 123 rev D)
- Landscape Management Specification (By Stephen Heward)
- Management Plan and SUDS (unreferenced)
- Covering letter (ref: JM260043.DoC.26_28)

Consultation responses

KC Landscape (informal and abbreviated): The condition refers to some aspects that are not to be included within the scheme such as playable space. Nonetheless, the information submitted is considered to meet all the relevant landscape requirements.

Assessment

The component parts of the condition are considered as follows:

Details of existing and proposed levels, and regrading

These details can be found on the External Levels plan, and are acceptable.

Planting plans, including additional tree planting notwithstanding what is shown in the drawings hereby approved

The proposed planting can be found on the Detailed Landscape Proposals plan. This includes a total of 34 new trees and a mix of native hedge and shrub planting. This is welcome and acceptable.

Details of tree pit sizes and soils

And

Species schedules

Such information can be found within the Detailed Landscape Plan, with that shown acceptable.

Details of initial aftercare and long-term maintenance

And

Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fails or becomes diseased within the first five years from completion

This information is set out within the Landscape Management Specification, with that shown acceptable.

Details (including samples, if requested), of paving and other hard surface materials

This information is included within the Surface finishes plan. The details are acceptable.

Details of all on-site open spaces (including details of their purpose(s) and management) and of any areas for designated, informal, incidental and/or doorstep play

Such details can be found within the Detailed Landscape Proposals plan and Landscape Management Specification. The details are acceptable.

Details of all on-site play spaces

There would be no on-site play spaces at this development.

Details of covenants (or other suitable arrangements) regarding street tree retention, management and maintenance where these trees are not within adopted highways

The covering letter sets out that the trees within plots would be subject to a covenant that will be imposed at the point of sale, that will require the purchaser of the relevant plot to retain the trees. An example of what this could potentially include is set out within the covering letter. These arrangements are considered acceptable.

Details of how soft landscaping has been designed to prevent and deter crime and anti-social behaviour

The Landscape Management Specification confirms that hidden areas have been avoided to minimise crime. These arrangements are considered acceptable.

Details of natural surveillance and windows overlooking publicly-accessible areas (including open spaces, pedestrian connections and public footpaths)

The majority of the landscaped area along the sites eastern boundary would be overlooked to some degree by the future occupiers, particularly those that face towards these spaces. These arrangements are considered acceptable.

Summary

Officers have assessed the landscape information and have noted that it addresses all of the requirements (where necessary and relatable) of the above condition. KC Landscape also concurs with this assessment. As such, the submitted details are recommended for approval, subject to a note of the conditions ongoing requirement.

Recommendation: Approve.

Report Dated: 01/10/26

Recommended Decision Notice Text

Condition 26: Boundary treatments, retaining walls and gabions

Pursuant to condition 26, you have submitted:

- Boundary treatment plan (ref: 2400-02-008 rev D)
- Covering letter (ref: JM260043.DoC.26_28)

The information submitted pursuant to condition 26 is acceptable, however, please be aware that condition 26 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

The development shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.

Further to the above, there is noted to be overlap between condition 26 and condition 12, in relation to the boundary treatment adjacent to the proposed pedestrian connection on the southern side of the site. For the avoidance of doubt, condition 12 is deemed to take precedence: should the boundary treatment adjacent to the proposed pedestrian connection on the southern side of the require amended, contrary to the details hereby approved (for the purposes of condition 26 only), under application 2026/91462, a subsequent application to re-discharge Condition 26 may be required to secure approval of the revised details.

Condition 28: Landscaping

Pursuant to condition 28, you have submitted:

- Detailed Landscape Proposals (ref: H2 230201 1 rev H)
- Site layout (ref: 2021.01.003 rev X)
- Land registry plan (ref: Management Company Plan rev B)
- External levels (ref: 118 rev G)
- Surface finishes (ref: 123 rev D)
- Landscape Management Specification (By Stephen Heward)
- Management Plan and SUDS (unreferenced)
- Covering letter (ref: JM260043.DoC.26_28)

The information submitted pursuant to condition 28 has been considered acceptable. However, please be aware that condition 28 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

No part or phase of the development hereby approved shall be occupied until all hard and soft landscaping for that part or phase has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.